

City of La Verkin

435 North Main St., LaVerkin Utah, 84745

(435) 635-2581 Fax (435) 635-2104

www.laverkin.org

La Verkin City Council Meeting Minutes

Wednesday, March 16, 2016 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Kerry Gubler; Council Members: Chantelle Browning, Richard Hirschi, Ken Hooten, Micah Gubler and Randy Reeve; Staff: Kyle Gubler, Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Ben Lee and Christy Ballard; Public: John Valenti, Tim Hopkinson, Brenda Christensen, Kearstin Wilkinson, Trystan Langston, Holly Johnson, Maranda Wilkinson, and Katy Langston.

A. Called to Order – Invocation and the Pledge of Allegiance was given by Kevin Bennett at 6:00pm.

B. Presentation

1. La Verkin City Royalty

Mayor Gubler introduced the 2016 Royalty. The girls sang the song they will be performing at the Washington County Fair.

2. Stevens Henager

The representative could not make it so Kyle presented. Stevens Henager has a campus in St. George and they have offered two, annual Mayor's Choice scholarships, one for \$25,000 the other for \$15,000. Interested persons should contact Kyle Gubler to find out the steps and requirements in applying for these scholarships.

The Mayor and Councilmembers will have the final vote on whom the scholarships will be awarded to.

C. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. Minutes: February 17, 2016, regular meeting minutes.
4. Review Invoices and Checks: \$200,287.93

Councilman Gubler reported a conflict of interest. He is a partner in a company, Keep It Green, which has contracted with the City for the last 7 years to fertilize the lawns. Keep It Green receives monthly payments from the City.

Once this has been declared, Councilman Gubler is free to vote on the consent agenda.

Motion was made by Councilman Ken Hooten to approve the consent agenda as written, including the February 17, 2016 regular meeting minutes and checks and invoices in the amount of \$200,287.93, second by Councilman Richard Hirschi. Roll Call Vote: Reeve-yes, Gubler-yes, Hooten-yes, Browning-yes, Hirschi-yes. Motion carried unanimously.

D. Committee Reports:

1. Planning Commission-Councilman Hirschi reported there was a discussion and public hearing set for March 23, 2016 for a proposed zone change ordinance. There is also a new Transition Zone that is being proposed. This zone will act as a transition between commercial and residential and will allow residents as well as certain types of commercial businesses. There are also some minor changes to the language in the Tourist Zone as to which types of vehicle rental/sales will be allowed.
2. Water Board-Mayor Gubler reported there has not been a meeting.
3. Sewer Board-Councilman Hooten reported there has not been a meeting.

4. Fire District-Councilman Hirschi reported they would be hiring a new deputy chief. The District will also be collaborating with Washington City to build a firehouse in the Coral Canyon area.

E. Citizen Comment & Request for Future Agenda Items:

Bud Bringham-Lives by La Verkin Creek. He has property that can't be accessed from La Verkin, only from Toquerville. He would like to develop some of that property and would like to annex it into Toquerville so he can get a right of way access from them.

He passed out a map of the property.

Bud has talked to Toquerville and they would like a letter from La Verkin stating they were in favor of the annexation.

There is a parcel of property, by the Creek, that Bud is interested in purchasing from La Verkin City.

Mayor Gubler explained the Councilmembers could not take any action but he will give the map to Staff and have them look into annexing the property and putting it on the agenda for action.

F. Business:

1. Discussion and possible action on an appeal filed by Russell Bezette concerning an irrigation violation.

Derek passed out a map showing Mr. Bezette's property, he has approximately 360 trees. The blue section of the map is trees on a drip system and the purple section are trees he flood irrigates.

There have been erosion issues on 480 S and 100 W from Mr. Bezette's flood irrigating.

The City sent Russell a letter giving him from May 2015 to March 2016 to install a drip system on the purple section of the trees to avoid further problems. The 30-day appeal process has passed. However, Mr. Bezette has many concerns that he has been discussing with Derek.

The current Code does not allow flood irrigating with the secondary water system but does allow it for culinary.

After talking with Ray Ballard from Ballard's Nursery, Derek is concerned with changing the way the trees are watered.

Mr. Bezette owns the road along his property with the City having a prescriptive and travel easement through the property. The issue comes when Mr. Bezette does not pay attention when he flood irrigates and the water runs down the road onto 480 South and onto the road that leads to the filter station, which the Conservancy District owns.

The City has to repair the road several times a year from damage caused by the water.

Derek would like direction on how to move forward with this issue.

Mr. Bezette has suggested the City cite him if there is any future damage to the road from his irrigation water and having him pay for the repairs.

Mr. Bezette is the only person in La Verkin that still flood irrigates.

Kevin explained there are two issues. One is the Code does not allow secondary water to be used in flood irrigating and is written to not allow any exceptions. Two, is flood irrigation is not defined in the Code. He recommended changing the Code to allow for a special exception.

There is also the issue of damage done to the roadway.

The Councilmembers discussed different options and ideas concerning this issue.

It was decided to allow Mr. Bezette to continue to flood irrigate until the Council has decided how to address the situation. An agreement will need to be signed by Mr. Bezette listing one specific day of the week he can irrigate and stating he will be responsible to pay for any repairs needed from damage done by his irrigation water and that the ability to flood irrigate will be suspended until that debt is paid in full.

2. Discussion and possible action on Days of '47 Dixie donation.

Mayor Gubler reminded the Council Mr. Neilson asked for help with festivities, a monetary donation, sponsor an event and/or enter a float into the parade.

Kyle reported the LDS Church currently takes care of La Verkin's July 24 festivities so there has not been a cost to the City, if the Council chooses to participate in the Days of '47 Dixie that will need to be added to the 2017 budget.

The local LDS Church plans to continue their celebration.

This item will be on the next agenda so the Councilmembers have time to decide what, if anything, they would like to do.

3. Discussion and possible action in regard to Dumpster Days.

Kyle explained the Beautification Committee is over Dumpster Days. The last time we had the dumpsters the City was charged a \$290 fine from Solid Waste for hazardous materials.

The City has someone at the dumpsters during the day to avoid this situation but not during the night. The Beautification Committee does not want to discontinue the program. They did suggest putting up signs listing items not accepted. They also wondered if Councilman Reeve could get the fee waived. Kyle would like direction from the Council.

Councilman Reeve suggested asking for an extra dumpster strictly for metal that can be recycled. He knows someone that can take the refrigerant out of the refrigerators inexpensively, so they can be recycled.

The Councilmembers are in favor of continuing Dumpster Days.

Councilman Reeve will look into alleviating the fine and the possibility of getting a fifth dumpster for metal.

There will also be signs posted stating what is not allowed.

G. Staff, Mayor & Council Reports:

City Administrator-Kyle Gubler

Kyle emailed his report to the Councilmembers.

Founders Day is this Saturday and the Easter Egg Hunt is next Saturday.

La Verkin Elementary School has the Leader In Me program they participate in and through that program, the students issued challenges on social media to several different people/organizations. One of which was the BYU football team.

Kyle played the students challenge and the football team's response. BYU football has committed to sending someone down to read with the kids.

Public Safety-Chief Ben Lee

Chief reported the Department was able to purchase a surveillance system for their building with grant money.

Gage Gardner is the new police officer. He is currently in the Academy and doing his field training with our officers. He is set to graduate on April 9, 2016.

Chief Lee was able to meet with Chief Lynn Excell concerning the cat issue and Hurricane is not interested or able to take on any additional animal control issues.

Chief reported on a cardiac arrest call Officer Wolsleger was dispatched to. He did use the AED device and was able to save the individual.

Officer Crouse will have a car seat safety check in conjunction with Founders Day. She is one of the few certified car seat technicians in the valley.

Chief Lee would like to establish a community education program in La Verkin and would like the Councilmembers opinion on such a program.

The Councilmembers liked the idea of an education program.

Director of Operations-Derek Imlay

The irrigation water has been in the system since the beginning of March while the crew gets it ready for the contracted start date of March 15. The system was doing great until yesterday when we received seven breaks so the irrigation water is off while those get fixed.

There has been a lot of debris in the water causing the filters to cycle too much. He is going to the filter station twice a day to clean the pre-filters out.

A ten-inch valve blew off the lower tank on Tuesday and Thursday a PRV valve malfunctioned discharging the majority of the water from the upper tank. Between the two incidents, the City lost about a million gallons of water.

He thanked his crew for their dedication.

Sunset View Estates is moving forward. They are working on the south side of the development right now as well as the detention basin. He is meeting with the Engineer and Developer about 400 North.

Mayor Gubler-Invited everyone to Founders Day. Thell Gubler is the oldest living grandchild of Morris Wilson and will be honored at this year's event.

There is still an issue with the noise coming from the cross fit center. The residents behind the business are still complaining about the noise.

Chief Lee has issued the business a letter.

They have not received their business license for 2016 yet, staff is still waiting for a few items from them. If the situation doesn't get fixed, perhaps the City shouldn't renew it. This option was explained to the owner in the letter.

This is not an action item; Mayor Gubler would just like the Councilmembers to think about how they would like to move forward with this. It will be on the next agenda.

Browning-Nothing to report.

Treasurer-Troylinn Benson

There was an error in the shut off notice so they will be done on March 17.

Hirschi-Thanked Derek for the new lights in the Council Chambers.

He talked to the owner of Accform, the business that purchased the property east of 180 West, their plan is to begin construction in a year.

Hooten- Nothing to report.

Gubler-Nothing to report.

Reeve-Davis Farmers Market is sponsoring the breakfast for Founders Day.

Kyle passed out a budget worksheet. If the Councilmembers would like to change/add anything, contact Kyle.

H. Executive Session:

There was not a need for an Executive Session.

I. Adjourn:

Motion was made by Councilman Ken Hooten to adjourn, second by Councilman Richard Hirschi. Browning-yes, Hirschi-yes, Hooten-yes, Gubler-yes, Reeve-yes. Motion carried unanimously at 7:32pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

April 16, 2016
Date Approved

ATTEST:

Kyle Gubler
Kyle Gubler
City Recorder

Kerry T. Gubler
Mayor Kerry T. Gubler

